

Message Text

LIMITED OFFICIAL USE

PAGE 01 PARIS 26616 131747Z

60

ACTION EUR-12

INFO OCT-01 ISO-00 MCT-01 USSS-00 CIAE-00 DODE-00 PM-04

H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 /060 W

----- 090578

R 131744Z SEP 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 4894

INFO AMEMBASSY VIENNA

AMEMBASSY BRUSSELS

AMEMBASSY NICOSIA

AMEMBASSY COPENHAGEN

AMEMBASSY BONN

AMEMBASSY DUBLIN

AMEMBASSY REYKJAVIK

AMEMBASSY ROME

AMEMBASSY LUXEMBOURG

AMEMBASSY VALLETTA

AMEMBASSY THE HAGUE

AMEMBASSY OSLO

AMEMBASSY STOCKHOLM

AMEMBASSY BERN

AMEMBASSY ANKARA

AMEMBASSY LONDON

AMEMBASSY ATHENS

AMCONSUL STRASBOURG

AMCONSUL LYON

AMCONSUL BORDEAUX

AMCONSUL MARSEILLE

AMCONSUL NICE

LIMITED OFFICIAL USE PARIS 26616

FOLLOWING FROM AMCONSUL STRASBOURG

E.O. 11652: N/A

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 PARIS 26616 131747Z

TAGS: COE XG PINS

SUBJECT: COUNCIL OF EUROPE DRAFT CONVENTION ON THE
SUPPRESSION OF TERRORISM

REF: (A) STATE 221450; (B) STRASBOURG A-56

1. HERIBERT GOLSONG, DIRECTOR OF THE OFFICE OF LEGAL AFFAIRS OF THE COUNCIL OF EUROPE, DISCUSSED THE PROBLEMS POSED BY ARTICLE 5 IN THE DRAFT EUROPEAN CONVENTION ON THE SUPPRESSION OF TERRORISM. HIS FIRST COMMENT WAS THAT ARTICLE 5 INDEED REPRESENTS A LOOPHOLE IN THE ENFORCEMENT OF THE CONVENTION. WHEN ORIGINALLY DRAFTED, THE CONVENTION WAS MEANT TO BE OPEN TO ALL STATES; THEREFORE CERTAIN MEMBERS INSISTED THAT THIS PROVISION BE INSERTED. COMMENT: THE GERMANS INSISTED ON THIS PROVISION BECAUSE OF THEIR FEAR THAT SHOULD EAST GERMANY SIGN THE CONVENTION, THEY COULD OBLIGE THE FEDERAL REPUBLIC TO HAND OVER POLITICAL REFUGEES WHO HAD FLED EAST GERMANY. END COMMENT.

2. GOLSONG HIMSELF RAISED THE CASE OF SPANISH ADHERENCE TO THE TREATY, WHICH WOULD CAUSE SIMILAR PROBLEMS FOR A NUMBER OF MEMBER STATES OF THE COUNCIL.

3. AFTER ARTICLE 5 HAD BEEN ADOPTED, THE MEMBERSHIP DECIDED THAT THE TREATY WOULD BE PRACTICALLY USELESS IF IT WERE OPEN TO SIGNATURE BY ALL STATES. THEREFORE THE CLAUSE ON ACCESSION WAS DELETED. NEVERTHELESS, ARTICLE 5 REMAINED, AND GOLSONG BELIEVES THAT IT COULD NOT BE REMOVED NOW WITHOUT NEGOTIATING THE ENTIRE TREATY AGAIN. HOWEVER, HE STATES THAT A NEAR CONSENSUS EXISTS AMONG THE MEMBERS ON WHAT TERRORISM IS AND HOW TO DEAL WITH IT AND THAT ARTICLE 5 WOULD BE INTERPRETED RESTRICTIVELY BY THE SIGNATORY STATES. HE ALSO POINTS TO ARTICLE 7, WHICH PROVIDES THAT SHOULD A STATE REFUSE TO EXTRADITE A PERSON UNDER THE TERMS OF ARTICLE 5, IT MUST NEVERTHELESS SUBMIT THE CASE TO ITS OWN AUTHORITIES "FOR THE PURPOSE OF PROSECUTION."

4. IN FURTHER DISCUSSION ON THE BACKGROUND OF THE CASE,
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 PARIS 26616 131747Z

GOLSONG SAID THAT APPROVAL OF THE TREATY BY THE COUNCIL OF MINISTERS HAD BEEN BLOCKED BY THE FRENCH WHO FEEL THAT THEIR APPROVAL WOULD SOMEHOW UNDERCUT THEIR POSITION WITH THE ARAB COUNTRIES. HE THINKS, HOWEVER, THAT A CHANGE IN POSITION IS BEING STUDIED BY THE NEW FRENCH GOVERNMENT, WHICH MAY DECIDE TO ABSTAIN ON ADOPTION OF THE TREATY, THEREBY OPENING IT TO SIGNATURE BY OTHER MEMBER STATES.

5. THIS TELEGRAM IS SENT THROUGH PARIS BECAUSE OF THE
LACK OF CLASSIFIED FACILITIES AT STRASBOURG.
RUSH

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, TERRORISTS
Control Number: n/a
Copy: SINGLE
Draft Date: 13 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: KelleyW0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976PARIS26616
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760345-0646
From: PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760967/aaaaceya.tel
Line Count: 119
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 221450, 76 STRASBOURG A-56
Review Action: RELEASED, APPROVED
Review Authority: KelleyW0
Review Comment: n/a
Review Content Flags:
Review Date: 05 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05 APR 2004 by BoyleJA>; APPROVED <27 JUL 2004 by KelleyW0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: COUNCIL OF EUROPE DRAFT CONVENTION ON THE SUPPRESSION OF TERRORISM
TAGS: PINS, XG, FR, COE
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006